

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the matter of:

*Administration of the North American
Numbering Plan*

CC Docket No. 99-200

REPLY COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES
COMMISSION AND OF THE PEOPLE OF THE STATE OF
CALIFORNIA ON PAC-WEST PETITION FOR CLARIFICATION

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June 20, 2005

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The California Public Utilities Commission and the People of the State of California (the CPUC or California) respectfully submit these Reply Comments to the Federal Communications Commission (FCC or Commission) pursuant to the May 4, 2005 Public Notice seeking comment on the Petition for Clarification filed by Pac-West Telecomm, Inc. (Pac-West) on March 3, 2005.

Pac-West seeks clarification of the Commission's decision to grant a limited waiver of 47 C.F.R. § 52.12(g)(2)(i)¹ to SBC Internet Services, Inc.

¹ Section 52.12(g)(2)(i) requires that an applicant for numbers provide evidence that it has state authority to provide telephone service in the relevant geographic area.

(SBCIS).² In particular, Pac-West indicates that letting VoIP-provider SBCIS obtain numbers directly from the NANPA or PA, with conditions specified by the Commission, raises issues such as assessment of appropriate intercarrier compensation, interconnection requirements and the applicability of provisions in interconnection agreements, number portability obligations and processes, and the potential for a “price squeeze.”³

Several parties filing initial Comments on Pac-West’s petition argue that many, if not all, of the issues upon which Pac-West seeks Commission action in this docket would be more appropriately addressed in other Commission dockets, to the extent that Pac-West’s issues are valid.⁴ Parties emphasize the need for a comprehensive framework for the provision of VoIP services, and warn against the dangers of “piece-meal” regulation.⁵ The CPUC agrees.

The CPUC did not support the petition of SBCIS for a limited waiver, but, upon the Commission’s grant of the requested waiver in *SBCIS Order*,

² *Administration of the North American Numbering Plan*, CC Docket No. 99-200, *Order* (FCC 05-20) (rel. February 1, 2005) (*SBCIS Order*).

³ Petition for Clarification of Pac-West Telecomm, Inc. (March 3, 2005) (Pac-West Petition).

⁴ See, e.g., Comments, filed by BellSouth Corporation, (June 6, 2005) (BellSouth Comments) at 1, 6-7 (While recommending immediate clarification regarding access charge rules, also seems to emphasize that it is most important to adopt “rules of general applicability” in other FCC proceedings. *Id.* at 5-6.); Opposition of Qwest Communications Corporation to Petition for Clarification (June 6, 2005) (Qwest Opposition) at 4; Comments of SBC Internet Services, Inc. (June 6, 2005) (SBCIS Comments) at 3, 5-6, and; Comments of the Verizon Telephone Companies (June 6, 2005) (Verizon Comments) at 1, 9.

⁵ See, e.g., BellSouth Comments at 6-7; Qwest Opposition at 4, and; Verizon Comments at 1, 9.

the CPUC has supported subsequent petitions as a matter of fairness, and only to the extent that the circumstances and requests of petitioners, as well as the conditions imposed upon them, mirror those of SBCIS.⁶ It is now important that the Commission refrain from considering in this docket the adoption of additional requirements on individual VoIP providers as they seek their own petitions for a limited waiver. Rather than exacerbating an already-disjointed process of establishing rules for IP-enabled service providers, the CPUC respectfully urges the Commission to address the issues raised by Pac-West in existing Commission proceedings.

Respectfully submitted,

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⁶ See Reply Comments of the California Public Utilities Commission and the People of the State of California (June 20, 2005), which is being filed concurrently in this docket in response to the March 29, 2005, Petition for Limited Waiver filed by Qwest Communications Corporation, on Behalf of its IP-Enabled Services Operations.

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